

**CIVIL ACTION
COVER SHEET**

04-2093C

Trial Court of Massachusetts
Superior Court Department
County: WORCESTER

PLAINTIFF(S)

MARY RIVARD

DEFENDANT(S)

HD DEVELOPMENT OF MARYLAND, INC.

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE 978-534-2444

John L. Roncone, Esq., BBO#: 7426660

142 Main Street, Leominster, MA 01453

Board of Bar Overseers number:

ATTORNEY (if known)

Origin code and track designation

Place an x in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- ☐ 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B 20

Personal Injury/Skip and Fall

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses \$ 511.47
2. Total Doctor expenses \$ 1,233.00
3. Total chiropractic expenses \$
4. Total physical therapy expenses \$
5. Total other expenses (describe) ... Centmass Imaging - Radiology \$ 91.00
- Subtotal \$ 1,835.47

B. Documented lost wages and compensation to date

C. Documented property damages to date \$

D. Reasonably anticipated future medical and hospital expenses Estimated Dental \$ 8,360.00

E. Reasonably anticipated lost wages \$

F. Other documented items of damages (describe) \$

TOTAL - \$ 10,195.47

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

Bruising and abrasions to jaw and left eye; facial numbness on left side;
double vision; nose bleed; fracture of posterior lateral wall of left sinus;
abrasion to left second finger; swelling of left ankle.

\$ 250,000.00

TOTAL \$ 260,195.47

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

A true copy by photostatic process

Attest:

Asst. Clerk

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

John L. Roncone, Esquire

DATE: 10-19-04

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

FILED

UNIFORM COUNSEL CERTIFICATION
FOR CIVIL CASES

OCT 2 2004
ATTEST

[Signature]
CLERK

CASE NAME: Re: Mary Rivard
Vs. HD Development of Maryland, Inc.

DOCKET #: 04-2093 *e*

I am attorney-of-record for **MARY RIVARD**, plaintiff, in the above-entitled matter. *3/*

In accordance with Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) which states in part: "...Attorneys shall: provide their clients with this information about court-connected dispute resolution services; discuss with their clients the advantages and disadvantages of the various methods of dispute resolution; and certify their compliance with this requirement on the civil cover sheet or its equivalent ...," I hereby certify that I have complied with this requirement.

[Signature]
John L. Roncone

B.B.O.#: 426660

Date: 10/14/2004

A true copy by photostatic process

Attest:

Asst. Clerk *[Signature]*

This certification may be filed by counsel as is, or this text may be incorporated into a form currently in use at the initiation of a case (e.g., civil cover sheet, appearance form, etc.), as determined to be appropriate in each department of the Trial Court. Plaintiffs/Petitioner's counsel shall file this document at the time his/her initial pleading is filed. All other counsel shall file it within thirty (30) days of his/her initial entry into the case whether by answer, motion, appearance slip or other pleading.

10/25/04

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
WORCESTER DIVISION

C.A. NO:

04-2093

C

MARY RIVARD,

Plaintiff

vs.

HD DEVELOPMENT OF
MARYLAND, INC.,

Defendant

PLAINTIFF'S COMPLAINT

FILED

OCT 21 2004

ATTEST:

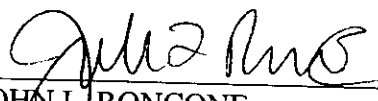
[Signature]
CLERK

1. The Plaintiff, **MARY RIVARD**, is an individual who resides at 19 Simon Hill Road, Hubbardston, Worcester County, Massachusetts.
2. The Defendant, **HD DEVELOPMENT OF MARYLAND, INC.**, is a duly organized corporation with a business address of 135 Commercial Road, Leominster, Worcester County, Massachusetts. At all times relevant on October 14, 2002, Defendant was the record title owner of said premises located at 135 Commercial Road, Leominster, Worcester County, Massachusetts.
3. On or about October 14, 2002, at approximately 4:00 p.m., the Plaintiff was at all times material lawfully on the premises of the Defendant, at 135 Commercial Road, Leominster, Worcester County, Massachusetts.
4. At all times material thereto, the Defendant negligently and carelessly maintained its property so as to cause the Plaintiff to slip and fall on the Defendant's property on said date, time and place above referenced.
5. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff has suffered severe, disabling and permanent injuries, has incurred medical expenses; and will continue to incur medical expenses in the future, has suffered and will continue to suffer pain of body and mind, has been and will be unable to carry on her usual duties, and has been otherwise damaged.

WHEREFORE, the Plaintiff demands judgment against the Defendant in an amount that will fully and fairly compensate the Plaintiff, including interest, costs and reasonable attorneys' fees.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

Plaintiff, MARY RIVARD,
By her attorney,



JOHN L. RONCONE
BBO# 426660
RONCONE LAW OFFICES, P.C.
142 Main Street
Leominster, Massachusetts 01453
(978) 534-2444

DATED: October 19, 2004

A true copy by photostatic process
Attest: 
Asst. Clerk

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
WORCESTER DIVISION
C.A. NO:

04-2093 B

MARY RIVARD,)
Plaintiff)
vs.)
HD DEVELOPMENT OF)
MARYLAND, INC.,)
Defendant)

FILED
OCT 20 2004
CLERK

STATEMENT OF DAMAGES

XX Plaintiff ___ Defendant ___ Other

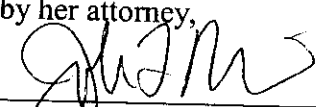
(specify) _____ in the above-captioned action, hereby

asserts that the money damages sought by means of the XX

complaint ___ cross claim ___ counterclaim to which this

statement of damages is attached, amount to \$250,000.00.

MARY RIVARD,
by her attorney,



John L. Roncone
BBO# 426660
RONCONE LAW OFFICES, P.C.
142 Main Street
Leominster, MA 01453
(978) 534-2444

A true copy by photostatic process
Attest:
Asst. Clerk

DATED: October 19, 2004

11/17/04

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

FII

No. 04-2093 *C*

MARY RIVARD,

NOV 17 2004

ATTEST:

Francis A. V. [Signature]
Plaintiff (s)

v.

HD DEVELOPMENT OF
MARYLAND, INC.,

Defendant (s)

SUMMONS

* To the above-named Defendant: HD DEVELOPMENT OF MARYLAND, INC.

You are hereby summoned and required to serve upon.....
John L. Roncone, Esquire....., plaintiff's attorney,
whose address is 142 Main Street, Leominster, MA 01453.....
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgement by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the SUPERIOR COURT
Department of the Trial Court at WORCESTER either before service upon plaintiff's
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-
claim any claim which you may have against the plaintiff which arises out of the
transaction of occurrence that is the subject matter of the plaintiff's claim or you will
thereafter be barred from making such claim in any other action.

Witness, SUZANNE V. DEL VECCHIO, Esquire, at Worcester, the 19th
day of October.....in the year of our Lord two thousand and
four.....

A true copy by photostatic process

Attest:

Asst. Clerk

[Signature]

Francis A. V. [Signature]

Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —
CONTRACT EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but
if you claim to have a defense, either you or your attorney must serve a copy of your written
answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior
Court, Room 21.

WORCESTER, ss.

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT
WORCESTER DIVISION
CIVIL ACTION NO. WOCV2004-02093-C

MARY RIVARD,
Plaintiff,

v.

HD DEVELOPMENT OF MARYLAND, INC.
Defendant.

FILED

NOV 29 2004

ATTEST:

[Signature]

**HOME DEPOT USA, INC.'S
ANSWER AND JURY DEMAND**

Home Depot USA, Inc., incorrectly sued herein as HD Development of Maryland, Inc. ("Home Depot") responds to the plaintiff's complaint as follows:

1. Home Depot lacks sufficient knowledge and information to admit or deny the allegations in paragraph 1.
2. Home Depot admits that Home Depot USA, Inc. is a Delaware corporation with a principal place of business in Atlanta, Georgia and at all relevant times operated a retail store at 135 Commercial Road, Leominster, Massachusetts. Home Depot denies the remaining allegations in paragraph 2.
3. Home Depot lacks sufficient knowledge and information to admit or deny the allegations in paragraph 3.
- 4-5. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The plaintiff's Complaint is barred by insufficient service and/or service of process.

SECOND AFFIRMATIVE DEFENSE

The plaintiff's Complaint fails to state a claim upon which relief can be granted against Home Depot.

THIRD AFFIRMATIVE DEFENSE

The plaintiff's Complaint should be dismissed because the plaintiff has misnamed the defendant.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff is barred from recovery in whole or in part on any theory of negligence because of her own negligence.

FIFTH AFFIRMATIVE DEFENSE

The plaintiff is barred from any recovery because her alleged injuries and damages were caused by the acts or omissions of third persons over whom Home Depot exercised no control and for whose conduct Home Depot bears no responsibility.

SIXTH AFFIRMATIVE DEFENSE

The plaintiff is barred from recovery in whole or in part because she failed to mitigate her damages.

SEVENTH AFFIRMATIVE DEFENSE

The plaintiff is barred from any recovery because the plaintiff's conduct, considered alone or in conjunction with that of non-parties, was the sole proximate cause of the alleged injuries and damages.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiff is barred from recovery because the alleged damages were caused by the intervening and superseding actions of third persons.

NINTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed because the plaintiff did not give Home Depot proper or adequate notice of the event, causing Home Depot substantial prejudice.

JURY DEMAND

Home Depot demands a trial by jury on all issues.

Respectfully submitted,
HOME DEPOT USA, INC.
SUED AS HD DEVELOPMENT OF
MARYLAND, INC..
By Its Attorneys,
CAMPBELL CAMPBELL EDWARDS & CONROY
PROFESSIONAL CORPORATION,



James M. Campbell (BBO# 541882)
Christopher A. Callanan (BBO# 630649)
One Constitution Plaza
Boston, MA 02129
(617) 241-3000

CERTIFICATION

I hereby certify that I served the within document, by causing a copy to be delivered by hand to all parties on November 29, 2004.

John L. Rancone
Rancone Law Offices, P.C.
142 Main Street
Leominster, MA 01453

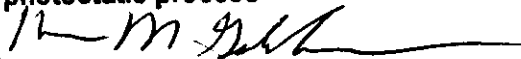


Christopher A. Callanan

A true copy by photostatic process

Attest:

Asst. Clerk



12/2/04

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

DEC 02 2004

ATTEST:

Francis A. [Signature]

MARY RIVARD,
Plaintiff,

v.

HD DEVELOPMENT OF MARYLAND, INC.
Defendant.

CIVIL ACTION NO.

04-40247

04-2093C

NOTICE OF REMOVAL

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF MASSACHUSETTS

Home Depot, USA, Inc., incorrectly sued as HD Development of Maryland, Inc. ("Home Depot") files this Notice of Removal of the above-captioned action from Worcester Superior Court, Worcester County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts. In support of its Notice of Removal, Home Depot states as follows:

1. As appears from Docket No. WOCV2004-02093 C on file in the Worcester Superior Court, the plaintiff filed a complaint which was served with a Summons upon CT Corporation System on November 8, 2004. A copy of the Summons, Complaint, and Statement of Damages is attached to this Notice as Exhibit "A".
2. According to the Complaint, this is a negligence action which alleges personal injuries resulting from a slip and fall on the defendant's property. The plaintiff claims that she sustained "severe, disabling and permanent injuries, has incurred medical expenses; and will continue to incur medical expenses in the future, has suffered and will continue to suffer pain of body and


FILING FEE PAID:

RECEIPT # 404761
AMOUNT \$ 150.00
BY DPTY CLK [Signature]
DATE 11/29/04

mind, and has been and will be unable to carry on her usual duties and has been otherwise damaged.”

3. In her Statement of Damages, the plaintiff itemizes damages totaling \$260,195.47.
4. The plaintiff is a resident of Hubbardston, Worcester County, Massachusetts.
5. Home Depot USA, Inc. is a Delaware corporation with a principal place of business in Atlanta, Georgia.
6. Jurisdiction is founded on the complete diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332. The amount in controversy, at least according to the plaintiff's allegation, exceeds \$75,000.
7. This Notice of Removal is being filed within the time period required by 28 U.S.C. § 1446(b).

HOME DEPOT USA, INC.
By Its Attorneys,
CAMPBELL CAMPBELL EDWARDS & CONROY
PROFESSIONAL CORPORATION



James M. Campbell, BBO # 541882
Christopher A. Callanan, BBO# 630649
One Constitution Plaza
Boston, MA 02129
617-241-3000

4/24/04

A true copy by photostatic process

Attest: 
Asst. Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following attorney of record by mail on November 24, 2004.

John L. Roncone
Roncone Law Offices, P.C.
142 Main Street
Leominster, MA 01453



Christopher A. Callanan

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MARY RIVARD

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Worcester
(EXCEPT IN U.S. PLAINTIFF CASES)(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
John L. Roncone
Roncone Law Offices P.C.
142 Main Street, Leominster, MA 01453
(978) 534-2444

DEFENDANTS

HD DEVELOPMENT OF MARYLAND, INC.
01-40347-35COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.ATTORNEYS (IF KNOWN)
James M. Campbell
Christopher A. Callanan
Campbell Campbell Edwards & Conroy
One Constitution Plaza, Boston, MA 02129
(617) 241-3000

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---|--|---|--|---|
| Citizen of This State | PTF DEF | <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF DEF | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 | |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 164 Stockholders' Suits <input type="checkbox"/> 165 Other Contract <input type="checkbox"/> 166 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 382 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 366 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 878 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1365ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 PSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7608	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

The plaintiff alleges injury after slipping and falling in the defendant's premises.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

None

JUDGE

DATE

11-24-04

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)
Mary Rivard v. HD Development of Maryland, Inc.

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

04-40247

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

None

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO X

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO X

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO X

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO X

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES X NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME James M. Campbell/Christopher A. CallananADDRESS Campbell, Campbell Edwards & Conroy, 1 Constitution Plaza, Boston, MA 02129TELEPHONE NO. 617-241-3000